IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 16451 of 2004

Between:

Jaipal F Christian, S/o John Jaipal Christian,
R/o Plot No. 322, Road No.25, Jubilee Hills, Hyderabad - 33.

..... PETITIONER

AND

1 Government of Andhra Pradesh, rep. by its Principal Secretary, Revenue (Endowment-II) Department, Secretariat, A.P., Hyderabad.
2 The Commissioner of Endowments, Boggulakunta, Tilak Road, Abids, Hyderabad.
3 The Assistant Commissioner of Endowments, Sangareddy,Medak District.
4 The Executive Officer, Leprosy Investigation and Treatment Centre, Zaheerabad, Medak District.

5 Sri Dattagiri Maharaj Ashramam, Bardipur (V),

Jharasangam (M), Medak Dist.

Rep. By Sri Vyragya Sikhamani Avadhootha Giri Maharaj.

(R-5 is impleaded as party to this WP through orders

dated 04-02-2005 in WPMP.No.29488 of 2004)

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue a Writ, Order or Direction, more particularly a Writ in the nature of Writ of Mandamus declaring the action of the Government in issuing G.O.Ms.No. 510, dt. 31-7-2004 of Revenue (Endowments-II) Department alienating the said lands belonging to the Leprosy Investigation and Treatment Centre, Zaheerabad admeasuring an extent of Acs.10-00 in Sy.No. 305 of Zaheerabad village and Mandal, Medak District as bad, illegal, arbitrary and oppose to law.

Counsel for the Petitioner:MR.M.VIDYASAGAR

Counsel for the Respondent Nos.1 to 3: GP FOR ENDOWMENTS

Counsel for the Respondent No.4: MR. K.RAVI

Counsel for the Respondent No.5: MR. K.RAVI, Standing Counsel

The Court at the stage of admission made the following ORDER:

The petitioner is a member of the founder family of Leprosy Investigation and Treatment Centre, Zaheerabad. The center was registered as a charitable institution under the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987

(for short “the Act”). Proposals were mooted with the institution as well as the Government for alienation of an extent of ten acres of land in favour of the fifth respondent herein. After much correspondence ensued, the Government issued G.O.Ms.No.510, dated 31-07-2004 granting permission for alienation of the said land in favour of the fifth respondent at a consideration of Rs.2,25,000/- per acre. Conditions were also imposed to the effect that the religious institution to be established in the said land shall be registered under the Act, the land shall be utilized only for propagation of religion and that it shall not be put to any commercial use. In accordance with the provisions of the Act, the objections were required to be called by publishing a notification. The petitioner challenges the G.O.Ms.No.510 as being contrary to the provisions of the Act and interests of the institution.

Heard the learned counsel for the petitioner and learned Government Pleader for Endowments and learned Standing Counsel for the fourth respondent.

Much correspondence ensued among the respondents before the permission came to be accorded through the impugned G.O.. It is not in dispute that the proposed alienation is in favour of a religious institution itself and several restrictions were placed for the use of the land. The grievance of the petitioner is that the consideration was fixed even without calling for objections.

A perusal of the G.O. discloses that the Commissioner was required to invite

objections before finalizing the sale. As a matter of fact, subsequent to the filing of the writ petition, such a notification inviting objections was issued on 05-10-2004 under Section 80(1)(b) of the Act. The objections are said to have been received on it. There is no reason to presume that the authorities concerned will not take the objections into account. In a given case, the amount of consideration that is fetched may be predominant factor and in certain other cases, the use to which the land is proposed to be made may become important. These, however, are matters to be taken into account by the authorities concerned.

In view of the fact that the notification inviting objections has already been issued and objections are said to have been received, the writ petition is disposed of directing that the alienation in favour of the fifth respondent shall take place after taking into account the objections that are received in response to the notification. No costs.

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(L.NARASIMHA REDDY, J)

4th FEBRUARY, 2005.

Note: furnish c.c. in one week.

B/o

Kvni

To

1 The Principal Secretary, Government of Andhra Pradesh, Revenue (Endowment-II) Department, Secretariat, A.P., Hyderabad.
2 The Commissioner of Endowments, Boggulakunta, Tilak Road, Abids, Hyderabad.
3 The Assistant Commissioner of Endowments, Sangareddy, Medak District.

4 The Executive Officer, Leprosy Investigation and Treatment Centre, Zaheerabad, Medak District.

5 Two CCs to the Government Pleader for Endowments, A.P.High Court Buildings, Hyderabad (OUT).

6 Two CD copies.